

BAY COUNTY BOARD OF COMMISSIONERS

515 CENTER AVENUE, SUITE 405, BAY CITY, MICHIGAN 48708-5125

(989) 895-4120 FAX (989) 895-4226 TDD (989) 895-4049

e-mail address: bergerd@baycounty.net

www.baycounty-mi.gov



January 25, 2016

ERNIE KRYGIER

CHAIRMAN

2ND DISTRICT

DONALD J. TILLEY

VICE CHAIRMAN

6TH DISTRICT

MICHAEL J. DURANCZYK

SERGEANT AT ARMS

1ST DISTRICT

VAUGHN J. BEGICK

3RD DISTRICT

KIM J. COONAN

4TH DISTRICT

THOMAS M. HEREK

5TH DISTRICT

MICHAEL E. LUTZ

7TH DISTRICT

ROBERT J. REDMOND

FINANCIAL ANALYST

(989) 895-4125

redmondr@baycounty.net

DEANNE C. BERGER

BOARD COORDINATOR

(989) 895-4121

bergerd@baycounty.net

Rep. Klint Kesto, Chairperson

Committee on Judiciary

Michigan House of Representatives

S-888 House Office Building

P.O. Box 30014

Lansing, MI 48909

Re: SB321, Committee on Judiciary

Dear Representative Kesto,

Bay County was notified late Friday afternoon that there would be a Committee on Judiciary meeting, Tuesday, January 26, 2016 at 12:00 PM. SB321 is the first item on your agenda. This bill only affects Bay County.

I am sending our Financial Analyst, Bob Redmond, to the Committee on Judiciary meeting on Tuesday. I would greatly appreciate the opportunity for Mr. Redmond to speak at the meeting to represent Bay County's interests in SB321.

Please find attached a list of some of Mr. Redmond's talking points. Thank you.

Sincerely yours,

Ernie Krygier
Ernie Krygier, Chairman *KJA*

Bay County Board of Commissioners

Talking Points

SB321 (Bay County Courts)

- ***“Our goal is for Michigan’s judiciary to be a national model of efficiency and service to the public,” says Michigan Supreme Court Chief Justice Robert P. Young, Jr.***
- As Chief Justice, Judge Young has promoted initiatives to measure judicial performance, track public satisfaction, adopt best practices, and implement technologies that expand public access, increase efficiency and boost productivity of trial courts.
- “During tenure as Chief Justice, the Court has also been dedicated to “rightsizing” Michigan’s judiciary so that it costs no more than necessary for the efficient administration of justice. To this end, 25 judgeships have already been cut, saving taxpayers \$6.1 million over the past four years, and 15 more judgeship are slated for elimination. The cumulative effect will be a 7 percent reduction in the total number of judges statewide and \$175 million in savings to taxpayers. *—Chief Justice Robert P. Young, Jr.*
- *Bay County is aggressively working toward the same goal as the Supreme Court and the State Legislature. That goal is to provide more and better services to the public in a more efficient and more cost effective manner. SB321 will cost Bay County over \$1.2 million in staffing and other overhead costs in the next 10 years. The District Court judges are younger than the Circuit Court judges. Our projections, using the age and term of office off the judges, shows that the earliest a District Court Judge would retire would be in 7 years and the latest 11 years.*
- That is why I am here today to represent Bay County in opposing SB231. Our elected County Executive and the Bay County Board of Commissioners are opposed to SB321 (Resolution 2015-134 attached). There has only been one of the seven Judges that have promoted and spoken out in favor SB321.
- The State Court Administrative Office (SCAO) in their 2011, 2013 and 2015 Judicial Resource Recommendation Reports recommended the elimination of 2 judgeships in Bay County because of the continuing decrease in caseload for the Courts. The caseload in the Bay County Courts has been trending down for the last 10 years.

- Public Act 38 of 2012 allowed for the elimination of only 1 judgeship, a Circuit Court Judge. SCAO has consistently over the years recommended the elimination of 2 judges, one in Circuit Court and one District Court.
- Circuit Court Judge Ken Schmidt submitted his retirement papers to the State. Judge Schmidt's last day as a judge will be February 19, 2016. Under the current law, PA38 of 2012, that judgeship will be eliminated in just three short weeks from now.
- Bay County Officials were made aware of Judge Schmidt's retirement in early 2015, prior to the introduction of SB321. The County planned for that reduction of a judgeship and court staffing in the Adopted 2016 Budget.
- Judge Schmidt asked for a meeting in November with Bay County's Personnel Director and me. The last item on the agenda was SB321. Judge Schmidt stated that he had nothing to do with SB321, and was not in favor of it. One other Judge was promoting it. Judge Schmidt told us that frankly, there just wasn't enough work to do.
- Bay County recently invested over a million dollars in innovative software for our courts. This innovative software will help the courts work much more efficiently. The software we invested in over the last two years will be completely compatible with any software the State chooses to implement for Electronic Filing.
- The Bay County Courts, with approval of the Supreme Court, adopted a Concurrent Jurisdiction Plan in January of 2013. This plan allows all of the seven judges (Circuit, District and Probate) to "exercise the power and jurisdiction" in all of the courts.
- The 7 judges of the Bay County Courts adopted a plan in December of 2015 on how to operate the courts with one less Circuit Court Judge. This plan, the Concurrent Jurisdiction Plan adopted by the Bay County Courts in January of 2013 and the implementation of new innovative software in the Bay County Courts are more than sufficient resources to operate very efficiently with one less Circuit Court Judge.
- Bay County will continue to cooperate fully with the Michigan Legislature and Supreme Court in our common goal to make Michigan's judiciary "a national model of efficiency and service to the public."
- Bay County requests that the Committee on the Judiciary take no action on SB321. Thereby, allowing PA 38 of 2012 to take effect. Thank you.

BAY COUNTY BOARD OF COMMISSIONERS

6/9/2015

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (6/2/15)
- WHEREAS, In 2012 the Michigan State Court Administrator's Office (SCAO) performed a comprehensive review of the caseloads in the various Trial Courts in the State and, as a result, the SCAO made several recommendations to the State Legislature regarding the number of judgeships there should be in the various Trial Courts in the State of Michigan; and
- WHEREAS, One of the recommendations of the SCAO applied to the 18th Circuit Court in Bay County and that recommendation was to eliminate 1 of the 3 current Circuit Court Judgeship positions. The elimination of one position was to occur when one of two events occurred: (a) the date on which a vacancy occurs in the office of circuit court judge in the eighteenth judicial circuit, (b) the beginning date of the term for which an incumbent circuit judge in the eighteenth judicial circuit no longer seeks election or reelection to that office; and
- WHEREAS, The Michigan Legislature agreed with the SCAO's recommendation by approving HB 5401 thereby enacting Public Act 38 of 2012. HB 5401 passed the House of Representatives by a vote of 88 yeas and 20 nays and passed the Senate by a vote of 37 yeas and 1 nay; and
- WHEREAS, Senator Michael Green introduced Senate Bill 321 on May 12, 2015 and it was reported out of the Senate Judiciary Committee with a recommendation of immediate effect on May 26, 2015; and
- WHEREAS, SB 321 would keep 3 Circuit Court Judgeships and eventually eliminate a District Court Judgeship. This Bill, if passed, would cost Bay County at least \$130,000 per year until a District Court Judge chooses not to run or cannot run for reelection; and
- WHEREAS, This proposed change was not reviewed by the State Court Administrator's Office nor with representatives of the Bay County Board of Commissioners; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners hereby opposes Senate Bill 321 and calls for this resolution to be forwarded to our State Senator and Representatives, the State Court Administrator's Office and the Michigan Association of Counties.

KIM COONAN, CHAIR
AND COMMITTEE

Opposition to SB 321 - Circuit Court Judge

MOVED BY COMM. Coonan

SUPPORTED BY COMM. Tilley

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	✓			KIM J. COONAN	✓			MICHAEL E. LUTZ	✓		
ERNIE KRYGIER	✓			THOMAS M. HEREK	✓						
VAUGHN J. BEGICK		✓		DONALD J. TILLEY	✓						

VOTE TOTALS:

ROLL CALL: YEAS 6 NAYS 1 EXCUSED 0
VOICE: ✓ YEAS 6 NAYS 1 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED WITHDRAWN
AMENDED CORRECTED REFERRED

- 35 -